

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SELOMI M. VILLALTA,

No. C 06-4087 SBA

Plaintiff,

ORDER TO SHOW CAUSE

v.

EMILIA BARDINE, Director San
Francisco Asylum Office,

Defendant.

On June 30, 2006, plaintiff filed a complaint [Docket No. 1] and a Motion for Leave to Proceed in forma pauperis [Docket No. 3]. On August 9, 2006, this Court denied plaintiff's Motion for Leave to Proceed in forma pauperis and dismissed the complaint for failure to state a claim [Docket No. 4]. On June 29, 2007, plaintiff filed an amended complaint [Docket No. 7].

As of the date of this Order, no defendant has been served pursuant to Rule 4 of the Federal Rules of Civil Procedure because a summons has not been issued in this case. *See* Fed. R. Civ. P. 4(c) ("A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service."). Under Rule 4(m), "[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice..." Fed. R. Civ. P. 4(m).

Accordingly, it is ORDERED that:

- (1) Plaintiff and/or Plaintiff's counsel of record shall appear in Courtroom 3 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **July 9, 2008 at 4:00 p.m.**, to show cause why the above-captioned case should not be dismissed without prejudice

1 for failure to prosecute.

2 (2) At least ten days prior to the above hearing, Plaintiff, or Plaintiff's counsel of record,
3 must file a Certificate of Counsel with the Clerk of the Court, to explain why the case
4 should or should not be dismissed for failure to prosecute. The Certificate shall set forth
5 the nature of the cause, its present status, the reason it has not been brought to trial or
6 otherwise terminated, any basis for opposition to dismissal by any party, and its expected
7 course if not dismissed.

8 (3) Please take notice that this Order requires both the specified court appearance and the
9 filing of the Certificate of Counsel. Failure to fully comply with this Order will be
10 deemed sufficient grounds to dismiss the case.

11 Plaintiff is admonished that "[a] person representing him or herself without an attorney is bound
12 by the Federal Rules, as well as by all applicable local rules. Sanctions (including default or dismissal)
13 may be imposed for failure to comply with local rules." Civil L.R. 3-9(a). A Handbook for *pro se*
14 litigants is available at: <http://www.cand.uscourts.gov> (translated into Spanish and Chinese) and at the
15 Clerk's Office for the United States District Court, Northern District of California, 450 Golden Gate
16 Ave., 16th Floor, San Francisco, CA 94102.

17 IT IS SO ORDERED.

18 Dated: 6/10/08

19 
SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 SELOMI M. VILLALTA,

5 Plaintiff,

6 v.

7 EMILIA BARDINI et al,

8 Defendant.

Case Number: CV06-04087 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
10 Northern District of California.

11 That on June 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
12 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
13 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
14 office.

15 Selomi M. Villalta
16 P.O. Box 11251
17 San Rafael, CA

18 Dated: June 11, 2008

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk

United States District Court
For the Northern District of California